

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 3614 - SB 3715

March 9, 2012

SUMMARY OF BILL: Effective September 1, 2012, removes the existing requirement that a judge of any Tennessee court be licensed to practice law.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The direct costs associated with a non-lawyer presiding over complex legal cases are unknown. There is a substantial likelihood of a significant backlog in the court system resulting from a large number of civil and criminal cases, including capital cases, being reversed and remanded due to reversible error committed by non-lawyer judges. The specific costs associated with such a backlog cannot reasonably be quantified.

Assumptions:

- Removing the requirement that a judge be licensed to practice law will not change the number of judges nor the staff associated with each judge. No significant fiscal impact is anticipated as a result.
- Cases adjudicated by non-lawyer judges, who are unfamiliar with rules of procedure and evidence and who are untrained in the legal interpretation of rules, statutes, and case law, are more likely to be appealed, overturned, or remanded to lower level courts due to an incorrect application of law. While the number of cases remanded cannot reasonably be determined, it is estimated that the fiscal impact of a high reversal rate and the resulting backlog of cases could be significant. Nonetheless, the estimate of the additional judicial resources is not quantifiable.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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